



STATE OF NEW JERSEY

In the Matter of Omar Kurdi,  
Department of Education

FINAL ADMINISTRATIVE ACTION  
OF THE CHAIR/  
CHIEF EXECUTIVE OFFICER  
CIVIL SERVICE COMMISSION

CSC Docket No. 2024-811

Classification Appeal

ISSUED: June 12, 2024 (HS)

Omar Kurdi appeals the determination of the Division of Agency Services (Agency Services) that his position with the Department of Education (DOE) was properly classified as a Planning Associate 1, School/Education Programs. The appellant seeks a Planning Associate 2, School/Education Programs job classification in this proceeding.

The record in the present matter establishes that at the time of the request for a position review, the appellant was serving permanently in the title of Planning Associate 1, School/Education Programs. His position was located in the Division of Finance and Business Services, Office of Fiscal Policy and Planning. The appellant reported to Elise Sadler-Williams, Planning Associate 3. Agency Services received the request on June 13, 2023 and reviewed the appellant's Position Classification Questionnaire (PCQ); Performance Assessment Review form for the October 1, 2021 to September 30, 2022 rating period; and organizational chart.

On the PCQ, the appellant indicated that he received limited supervision and, among other duties, performed a "desk review process [as] applied to the audited financial statements of [approved private schools for students with disabilities (APSSDs)] in accordance with the [Individuals with Disabilities Education Act (IDEA)] interoffice agreement" (30% of time); conducted financial and compliance review of audited financial statements, accounts, financial transactions, program outcomes, and submitted revisions to noncompliance findings compared to regulatory guidance governing APSSDs (25% of time); assisted supervisory level staff with: (1)

preparation and distribution of tentative tuition rates; (2) review of appeals from APSSDs for higher tentative tuition rates; (3) the process which results in the production of the Maximum Salaries Schedule; (4) review of new entity APSSD budgets including the provision of fiscal guidance to the new entity; (5) maintenance of the APSSD Chart of Accounts; (6) performance of the desk review process applied to APSSD audited financial statements and auditor certified tuition rates; and (7) as necessary, generating, developing, reviewing, and collecting other data and documentation relative to APSSD fiscal operations required by code or department policy (5% of time); and, under supervisory guidance, provided technical and procedural assistance in support of the fiscal data collections (new web-based budget and audit software) and analysis of that data, prepared policy recommendations and recommendations for application and changes to relevant administrative code, and provided related technical assistance, verbal and written, to independent school auditors, the public, special interest organizations, and department staff regarding APSSD operations (2% of time).

On the PCQ, Sadler-Williams commented that the supervision type was close as guidance and redirecting was often necessary. She also commented that the important duty of the position was the function of conducting desk reviews of the audited financial statements with a full understanding of the administrative codes that govern APSSDs as well as the industry standards that govern the field of accounting. She further commented that the position required proofreading skills, attention to detail, proficiency in the ability to articulate verbally and in written correspondence outlining audit findings, requested actions, accurately reflecting tuition rates and adjustments and technical guidance.

Agency Services found that the primary responsibilities of the appellant's position included, but were not limited to, assisting DOE legal professionals with fiscal concerns relevant to contested APSSD fiscal and related operational issues; performing desk review process applied to the audited financial statements of APSSDs in accordance with IDEA interoffice agreement; analyzing certified staff reports and confirming validity of reported salaries in order to prepare annual lists of maximum APSSD salaries; preparing work functions related to APSSD fiscal oversight tasks and the associated processes that result in the timely and accurate production of required fiscal information utilized by APSSDs and their independent audit forms; and preparing the annual list of APSSD maximum salaries as required by *N.J.A.C. 6A:23A-18.3*. Agency Services acknowledged that the duties of the appellant's position at times bore similarities with the requested title, but it ultimately determined that the scope and percentage of time in which they were performed did not match those associated with the requested title. As such, Agency Services determined that the assigned duties and responsibilities of the appellant's position were properly classified by the title Planning Associate 1, School/Education Programs.

On appeal, the appellant maintains that reclassification of his position to Planning Associate 2, School/Education Programs was warranted. He argues that Agency Services' determination excluded the following two important sets of duties:

- Providing technical and procedural assistance in support of the fiscal data collections (web-based budget software and audit software) and analysis of that data; preparing policy recommendations and recommendations for application and changes to relevant administrative code; and providing related technical assistance, verbal and written, to independent school auditors, the public, special interest organizations, and department staff regarding APSSD operations.
- Performing job responsibilities that assist in the development and maintenance of short and long-term education and/or financial plans such as: (1) preparation and distribution of tentative tuition rates; (2) reviewing appeals from APSSDs for higher tentative tuition rates; (3) the process that results in the production of the Maximum Salaries Schedule; (4) reviewing new entity APSSD budgets including the provision of fiscal guidance to the new entity; (5) developing, collecting, and analyzing all fiscal documents; (6) maintaining the APSSD Chart of Accounts; (7) performing the review process applied to APSSD audited financial statements and auditor certified tuition rates; and (8) as necessary, generating, developing, reviewing, and collecting other data and documentation relative to APSSD fiscal operations required by code or department policy.

In addition, the appellant maintains that his position performs highly fiscal functions with the addition of increased fundamental and programmatic aspects and deeper understanding of the analysis and compliance review of departmental standards. These concern, per the appellant, funding sources and their respective fiscal and educational impact. The appellant argues that his position has the reasonably increased expectation of heightened efficacy and workload performance. Further, the appellant insists that his reclassification determination should not be based on the fact that his unit oversees private, as opposed to public, entities.

## CONCLUSION

*N.J.A.C.* 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Planning Associate 1, School/Education Programs states:

Under limited supervision of a supervisory official in the Department of Education, assists in analyzing, developing, and maintaining operating and grants-in-aid budgets for State, federal, and other funding sources; assists in analyzing management systems and financial controls; assists in developing education programming by conducting analyses and evaluation of educational programs, surveys, needs assessments, and program fiscal data related to State and federal formula and discretionary grant applications and allocations; and/or assists in monitoring all financial areas for school districts; performs mandated regulatory functions; does related work as required.

The definition section of the job specification for Planning Associate 2, School/Education Programs states:

Under general supervision of a supervisory official in the Department of Education, analyzes, develops, and maintains departmental databases and computerized systems; develops short and long-term education and/or financial plans by conducting analyses and evaluation of education programs, surveys, needs assessments and related research; establishes, maintains, and evaluates program and fiscal data related to State and federal aid, grant applications, and allocations; and/or develops and conducts research studies related to school funding areas; and/or monitors all financial areas for school districts; performs mandated regulatory functions; does related work as required.

In the instant matter, Agency Services appropriately determined that the appellant's position was classified by the title of Planning Associate 1, School/Education Programs. Although the appellant argues that certain duties were excluded from Agency Services' determination, classification determinations typically list only those duties that are considered to be the *primary focus* of an appellant's duties and responsibilities that are performed on a regular, recurring basis. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). In fact, the duties that the appellant highlights on appeal and which he maintains are indicative of higher-level duties corresponded to only about 7% of his time per the PCQ. For more than half (55%) of the time per the PCQ, the duties of the appellant's position consisted of performing a "desk review process [as] applied to the audited financial statements of APSSDs in accordance with the IDEA interoffice agreement;" conducting financial and compliance review of audited financial statements, accounts, financial transactions, and program outcomes; and submitting revisions to noncompliance findings compared to regulatory guidance governing APSSDs. As such, the preponderance of the duties of the appellant's position fell squarely within

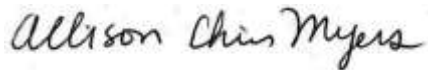
the definition for Planning Associate 1, School/Education Programs. Further, the PCQ reflects that the appellant's position received close or, at best, limited supervision. While the appellant argues that heightened efficacy and workload performance are expected in his position, factors such as how well or efficiently an employee does his job and volume of work have no effect on the classification of a position currently occupied as *positions*, not employees, are classified. *See In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Finally, there is no evidence in the record that Agency Services predicated its determination on the fact that the appellant's unit oversees private, as opposed to public, entities. Accordingly, a review of the record fails to establish that the appellant has presented a sufficient basis to warrant a Planning Associate 2, School/Education Programs classification of his position.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED ON  
THE 12<sup>TH</sup> DAY OF JUNE, 2024




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